

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )

)  
)  
) Amendment of Part 97 of the  
) Commission's Rules to Relax  
) Restrictions on the Scope of  
) Permissible Communications  
) in the Amateur Service )

PR Docket No. 92-136

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**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY** MAIL BRANCH

**Introduction**

I have been a licensed amateur radio operator for 26 years and hold Extra Class Amateur Radio License WA9TKK. I am a life member of the American Radio Relay League (ARRL) and a member of the Arizona Repeater Association (ARA). I am also an employee of Arizona Public Service Company (APS), a large electric utility based in Phoenix with offices throughout the state. APS employs about 7000 people, 50 of which are licensed amateurs who have chosen to be registered in our company amateur radio directory.

APS has an extensive employee volunteer program that has won many awards including the first place national award "Take Pride in America" in 1988, 1989, and 1990, the first place state award in "Take Pride in America" in 1991, and the second place national award for corporations for "Keep America Beautiful." At each event, volunteer APS employees contribute their own time to provide community service.

At the larger of these public service events, radio communications would greatly facilitate the coordination of hundreds of volunteers. Unfortunately, Part 90 of the FCC Rules do not allow the use of Power Radio frequencies for these purposes nor does the current amateur rules. Also, the wording of the proposed changes to §97.113(a)(2) would seem to preclude amateur radio communications for these type of corporate sponsored public service events by employees of the sponsor. This would prevent radio amateurs employed by APS from voluntarily assisting the ARA and emergency service agencies in the annual test of the off-site siren system at the Palo Verde Nuclear Generating Station which is operated by APS. This could also prevent employees of charitable organizations who hold amateur radio licenses from using amateur radio at public service events held on behalf of their charities.

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## Discussion

Until it was discovered that the FCC Rules did not allow amateur radio to be used for most communications at public service events, it had been used to help coordinate the movement of building supplies and labor at a refurbishing project at the Pioneer Living History Museum north of Phoenix and for various activities including obtaining water for volunteers helping rebuild fencing and planting at the Desert Botanical Garden in Phoenix. In March 1991, John Johnston, Chief of the FCC's Personal Radio Branch, told me by telephone that all amateur communications must be related to the health and safety of the observers and participants of the event. Additionally, Gene Thomson of the FCC's Private Radio Bureau Rules Branch confirmed that the Power Radio frequencies licensed to APS could not be used for these type of public service activities either. Since then, APS has not used amateur radio at any volunteer activity and has never used Power Radio frequencies for these events.

Alternate communications media do not offer reliable short range communications. Citizens Band radios are subject to severe interference and cellular telephones are not always useable in rural areas of Arizona where some of APS' volunteer activities take place. Some examples were the tree planting and hiking trail rebuilding projects in the Tonto National Forest near Payson, Arizona that was ravaged by a major forest fire that took the lives of four firefighters. Regulatory relief is needed to allow these type of public service communications in either the Private Land Mobile Radio Service or in the Amateur Radio Service.

## Proposal

I am in no way proposing that the business activities of APS or any other company be allowed to be conducted over amateur radio frequencies. However, the wording of the proposed changes to §97.113(a)(2) could be interpreted to preclude amateur radio communications in support of public service activities sponsored by one's employer.

I wish to offer the following change to the current FCC proposal for §97.113(a)(2). My suggestions are in *italics*.

No amateur station shall transmit: "Communications in which the station licensee or control operator have a pecuniary interest, including communications related to the business activities of an employer."

Page 3

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bass". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael A. Bass  
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Phoenix, Arizona 85051

Dated: September 24, 1992

c: Nine copies for FCC usage  
One copy to be serviced and returned  
Fried Heyn, Southwestern Division Director, ARRL  
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